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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,675	09/26/2003	Manoj Ajbani	DN2002-152	9817

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The Goodyear Tire & Rubber Company
Patent & Trademark Department - D/823
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EXAMINER

JACKSON, MONIQUE R

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,675

Applicant(s)

AJBANI ET AL.

Examiner

Monique R. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 17,18,28,32,34 and 36-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16,19-27,29-31,33 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/04</u> . | 6) <input type="checkbox"/> Other: _____. |

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DETAILED ACTION

1. Applicant's election of Group I in the reply filed on 10/13/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 17, 18, 28, 32, 34 and 36-42 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/13/05.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16, 19-27, 29-31, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsujimoto et al (USPN 5,597,867) in view of the admitted prior art. Tsujimoto et al teach a thermoplastic elastomer composition which is rich in flexibility and excellent in rubber elasticity over a broad temperature range, high-temperature creep characteristics, low-temperature impact resistance, mechanical strength and moldability, and has good oil resistance, good light discoloration resistance and extremely excellent toning properties and which is characterized by being obtained by dynamically heat-treating a mixture of (a) 100 parts by weight of a carbon-to-carbon double bond-containing rubber (reads upon instant component B), (b) 5 to 300 parts by weight of a thermoplastic resin (reads upon instant component A), (c) 0.5 to 30 parts by weight of an organosiloxane crosslinking agent having at least two SiH groups in the

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molecule, (d) 0.001 to 20 parts by weight of a hydrosilylating catalyst, (e) 0.5 to 20 parts by weight of a compatibilizing agent (reads upon instant component C) and, if necessary, (f) 30 to 300 parts by weight of paraffinic oil such as naphthenic oil (reads upon instant component D); wherein the rubber includes those as instantly claimed, the thermoplastic resin may be a crystalline polyolefin such as isotactic polypropylene, and the compatibilizing agent includes saturated styrene copolymers as instantly claimed having a styrene content of 10 to 80 wt% (Abstract; Col. 3-4; Col. 6, lines 7-40; Col. 11, lines 43-67.) Tsujimoto et al specifically teach that the elastomer composition comprises the instantly claimed components in ranges that read upon the instant invention wherein one having ordinary skill in the art at the time of the invention would have been motivated to select from any of the materials taught by Tsujimoto et al in the amounts disclosed by Tsujimoto et al, utilizing routine experimentation to determine the desired amounts for a particular end use wherein the amounts utilized would determine which component(s) are the dispersed within a matrix of the other component(s). Tsujimoto et al further teach that the thermoplastic elastomer composition can comprise inorganic filler materials including the instantly claimed reinforcing fillers and may be used as a material for various molded products such as automobile parts, domestic appliance parts, and various wire coatings (Col. 12, lines 24-44; Col. 13, lines 29-56.) Though Tsujimoto et al teach that the thermoplastic elastomer may be utilized in molding various parts such as domestic appliance parts or coating wires, Tsujimoto et al do not specifically teach overmolding the composition onto a "hard" substrate as instantly claimed. However, it is well established in the art that an elastomer molding composition may be provided with a reinforcing insert such as a metal plate or harder thermoplastic base, such as the "hard" substrates instantly claimed, to provide support

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to the elastomer composition which is overmolded onto the insert, as taught by the admitted prior art (Pages 1-2 and 10), and would have been obvious to one having ordinary skill in the art at the time of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508.

The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson
Primary Examiner
Technology Center 1700
January 9, 2006